

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FIRST-NAMED INVENTOR: Milton G. Smith  
FOR: METHOD TO REDUCE FREE RADICAL-MEDIATED TISSUE DAMAGE  
INDUCED BY CAUSTIC GAS EXPOSURE USING AN ANTIOXIDANT  
COMPOSITION

September 17, 2003  
Boston, Massachusetts

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



REQUEST FOR FILING A CONTINUING UTILITY APPLICATION  
UNDER 37 C.F.R. §1.53(b)

1. This is a request for filing a continuing application under 37 C.F.R. §1.53(b).  
(Check the appropriate boxes and supply the requisite information)  
This application is a:  
☒ Continuation; ☐ Divisional; ☐ Continuation-in-part of prior application U.S.S.N.: 07/989,593
2. Priority to the above application(s) is claimed under:  
☒ 35 U.S.C. §120  
Prior application information:  
Examiner: Sean McGarry; Group Art Unit: 1635.  
☐ 35 U.S.C. §119  
Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under  
35 U.S.C. §119.  
☐ The certified copy has been filed in prior application U.S.S.N. \_\_\_\_/\_\_\_\_,\_\_\_\_ on [Date].  
☐ The certified copy will follow.

APPLICATION ELEMENTS:

3. ☒ Specification and Drawings (Total pages: 84):  
Specification (62 pages); Claims (3 pages); Abstract (1 page); and  
Drawings: 18 sheets; FIGS. 1-17.  
☒ Formal  
☐ Informal
4. ☐ Nucleotide and/or Amino Acid Sequence Submission:  
☐ *Computer-readable Copy:* The computer-readable copy of the Sequence Listing in the  
instant application is to be identical to that filed in application U.S.S.N. \_\_\_\_\_ filed. In  
accordance with 37 C.F.R. § 1.821(e), please use the computer-readable form filed in that  
application as the computer-readable form for the instant application. It is understood that  
the Patent and Trademark Office will make the necessary change in application number  
and filing date for the instant application.  
☐ *Paper Copy:* A paper copy of the Sequence Listing is included in the copy of the

INVENTOR: SMITH

**Request for Continuing Nonprovisional Application (37 C.F.R. §1.53(b))**

originally-filed specification of the instant application.

5. ☐ Microfiche Computer Program (*Appendix*)
6. ☒ Oath or Declaration (Total pages: 3):
- (a) ☐ Newly unexecuted
- (b) ☒ Copy from a prior application (37 C.F.R. §1.63(d))
7. ☒ Incorporation by Reference (*can use if Box 6(b) is checked*)
- The entire Disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 6(b), is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**ACCOMPANYING APPLICATION PARTS:**

8. ☐ English Translation Document (*if applicable*)
9. ☐ Information Disclosure Statement (IDS)
- ☐ Copy of IDS and PTO-1449 (\_\_\_ pages)
- ☐ Copies of references cited
10. ☐ Statement Claiming Small Entity Status
- ☐ Copy of Statement filed in prior application (Status still proper and desired)
11. Fee Calculation:
- ☒ A Preliminary Amendment is enclosed herewith. Please enter the claim amendments prior to calculating the filing fee.

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$750.00
Total Claims (37 C.F.R. 1.16(c))	26	- 20 =	6	\$ 18.00	108.00
Independent Claims (37 C.F.R. 1.16(b))	4	- 3 =	1	\$84.00	84.00
Multiple Dependent Claim(s), if any (37 C.F.R. 1.16(d))				\$280.00	0.00
				SUBTOTAL:	\$942.00
				Reduction by 50% for filing by small entity:	- \$471.00
				TOTAL FEE:	\$471.00

12. ☐ A check in the amount of \$\_\_\_\_ is enclosed.
13. ☐ Deletion of Inventor(s)
- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).
- ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
- \_\_\_\_\_
- \_\_\_\_\_
- ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

**INVENTOR: SMITH**

**Request for Continuing Nonprovisional Application (37 C.F.R. §1.53(b))**

14. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-2678, Ref. No. 62157-010111:
- ☒ Fees required under 37 C.F.R. §1.16;
  - ☒ Fees required under 37 C.F.R. §1.17;
  - ☒ Fees required under 37 C.F.R. §1.18.
15. ☒ Return Receipt Postcard Enclosed.
16. ☐ Other Documents Enclosed:
- ☒ Fee Transmittal

Respectfully submitted,



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Michel Morency, Reg. No. 50,183  
Attorney for Applicant  
GREENBERG TRAURIG, LLP  
One International Place  
Boston, Massachusetts 02110  
Tel: (617) 310-6000  
Fax: (617) 310-6001

Dated: September 17, 2003

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**Request for Continuing Nonprovisional Application (37 C.F.R. §1.53(b))**

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Request for Continuing Nonprovisional Application (37 C.F.R. §1.53(b))

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Respectfully submitted,



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Michel Morency, Reg. No. 50,183  
Attorney for Applicant  
GREENBERG TRAURIG, LLP  
One International Place  
Boston, Massachusetts 02110  
Tel: (617) 310-6000  
Fax: (617) 310-6001

Dated: September 17, 2003

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

## Complete if Known

Application Number To Be Assigned

Filing Date September 17, 2003

First Named Inventor Milton G. Smith

Examiner Name To Be Assigned

Group / Art Unit To Be Assigned

Attorney Docket No. 62157.010111

TOTAL AMOUNT OF PAYMENT (\$) 471

## METHOD OF PAYMENT (check one)

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

50-2678

Deposit  
Account  
Name

Greenberg Traurig, LLP

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status.  
See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	375
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	205	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 375)

## 2. EXTRA CLAIM FEES

Total Claims	26	-20 **	=	6	X	9	=	54
Independent Claims	4	-3 **	=	1	X	42	=	42
Multiple Dependent					X		=	0

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 96)

## FEE CALCULATION (continued)

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid


SUBTOTAL (3)

(\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Michel Morency	Registration No. Attorney/Agent	50,183	Telephone	617-310-6000
Signature				Date	September 17, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.